

To: Block, Molly[block.molly@epa.gov]
From: Bowman, Liz
Sent: Tue 4/17/2018 2:24:36 PM
Subject: RE: FOR APPROVAL: EPA News Highlights 4.17.18

These are fine, thanks

From: Block, Molly
Sent: Tuesday, April 17, 2018 10:00 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Konkus, John <konkus.john@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>
Subject: RE: FOR APPROVAL: EPA News Highlights 4.17.18

In addition to the clips? The second and third story below are about the superfund list we released yesterday.

From: Bowman, Liz
Sent: Tuesday, April 17, 2018 9:59 AM
To: Block, Molly <block.molly@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Konkus, John <konkus.john@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>
Subject: RE: FOR APPROVAL: EPA News Highlights 4.17.18

Thanks – did we have anything on the Superfund sites?

From: Block, Molly
Sent: Tuesday, April 17, 2018 8:43 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Konkus, John <konkus.john@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>
Subject: FOR APPROVAL: EPA News Highlights 4.17.18

EPA News Highlights 4.17.18

Cincinnati Enquirer: EPA Head Scott Pruitt in Cincinnati

U.S. Environmental Protection Agency Administrator Scott Pruitt visited Cincinnati Monday. He spent part of his day Monday, according to a tweet, with Greater Cincinnati Water Works officials and workers regarding the replacement of lead pipes. He also visited the federal EPA's Cincinnati Office of Research and Development near the University of Cincinnati. "This is a model for cities across the country should look at in order to invest in the future of our children," Pruitt tweeted.

Bloomberg Environment: Pruitt Seeks Quicker Superfund Cleanups at Three Targeted Sites

EPA Administrator Scott Pruitt put the spotlight on three more Superfund sites to accelerate cleanup efforts after the agency targeted those sites for a lack of progress. The Environmental Protection Agency named the sites in California, Delaware, and Minnesota April 16 after the agency's regional staff said they needed a push from the administrator, Albert "Kell" Kelly, Pruitt's senior adviser on Superfund issues, told Bloomberg Environment.

Las Vegas Review Journal: Nevada's Anaconda Mine Removed from EPA Superfund List

An agreement reached between Nevada and the Environmental Protection Agency has kept the Anaconda Copper Mine off a Superfund list, with cleanup now being directed by the state and funded by a private company, officials said Monday. Pruitt released a list of potential Superfund sites Monday that no longer includes the Nevada mine. The list also excludes the San Jacinto River Waste Pits in Texas. Three sites in California, Delaware and Minnesota were targeted by the EPA for immediate and intense cleanup efforts and put on a list for Superfund inclusion. "We are making tremendous progress expediting sites through the entire Superfund remediation process," Pruitt said in a statement. Pruitt said the updated list "reflects our commitment to addressing Superfund sites as quickly and safely as possible."

Bloomberg Environment: Smaller Bites in EPA Air Chief's Second Pass at Permitting Updated

William Wehrum has unfinished business with the EPA's air pollution permitting program for

factories and power plants that want to expand or make major upgrades to their facilities. “This time around,” Wehrum told Bloomberg Environment in an exclusive April 13 interview, “it’s important to strike a better balance.” Already, the EPA has issued two industry-coveted tweaks to the permitting program through guidance documents.

National News Highlights 4.17.18

Reuters: Fox’s Hannity Revealed as Mystery Client of Trump’s Personal Lawyer

U.S. President Donald Trump’s personal lawyer was forced on Monday to reveal in a New York federal court that Fox News personality Sean Hannity, one of Trump’s most ardent defenders, was also on his client list. Michael Cohen, Trump’s fiercely loyal and pugnacious lawyer, disclosed Hannity’s name through one of his own lawyers at the order of the judge. Stormy Daniels, an adult-film actress who says she had a sexual encounter with Trump, watched from the public gallery.

Washington Free Beacon: Ex-CIA Chief Says Obama Rejected Cyber Action Against Russia for Election Meddling

Despite an unprecedented Russian intelligence operation to influence the 2016 presidential election, former President Barack Obama rejected a plan to conduct retaliatory cyber action against Moscow during the campaign, according to former CIA Director John Brennan. Brennan disclosed Saturday that Obama opposed a plan to carry out "a cyber event" against the Russians because the former president feared the action would lead to more aggressive interference by Moscow.

Politico: Comey on Trump Calling for Him to Be Jailed: ‘This Is Not Ok’

Former FBI Director James Comey denounced Donald Trump’s presidency as a threat to bedrock American values, warning that the president's calls for Comey to be jailed could erode the rule of law. The former FBI director, whom Trump fired last spring, has been a frequent target of Trump’s criticism, especially in recent days amid the start of a publicity tour for Comey’s book, which was released Tuesday. Comey has been deeply critical of the president, characterizing him as morally unfit to occupy his office, while Trump has labeled the former FBI director as a liar and leaker, suggesting he be sent to jail.

TRUMP TWEETS

Cincinnati Enquirer

<https://www.cincinnati.com/story/news/2018/04/16/epa-head-scott-pruitt-cincinnati/521380002/>

EPA Head Scott Pruitt in Cincinnati

By Carrie Blackmore Smith, 4/16/18

U.S. Environmental Protection Agency Administrator Scott Pruitt visited Cincinnati Monday.

He spent part of his day Monday, according to a tweet, with Greater Cincinnati Water Works officials and workers regarding the replacement of lead pipes. He also visited the federal EPA's Cincinnati Office of Research and Development near the University of Cincinnati.

"This is a model cities across the country should look at in order to invest in the future of our children," Pruitt tweeted.

Cincinnati, like many older cities, constructed its system with lead pipes at the start of the last century.

Water Works has made it a priority to replace all lead pipes with copper in order to reduce exposure to lead in drinking water. Lead can cause all sorts of health problems, including developmental delays, high blood pressure and heart disease.

"We appreciated the visit today from Administrator Pruitt. The visit gave us a chance to explain our enhanced lead program that includes education, outreach and removal of lead service lines," said water works Director Cathy Bailey. "Our program wasn't mandated by regulations, but implemented because it is the right thing to do for our community, and we believe it can serve as a model across the country."

New research found a correlation between lead and cardiovascular disease, too. It affects children at a higher rate than adults because their brains are still developing.

The response in Twitter was fierce, with some playing off his use of #gettheleadout.

Bloomberg Environment

<https://news.bloombergenvironment.com/environment-and-energy/pruitt-seeks-quicker->

Pruitt Seeks Quicker Superfund Cleanups at Three Targeted Sites

By Sylvia Carignan and Stephen Joyce, 4/16/18

EPA Administrator Scott Pruitt put the spotlight on three more Superfund sites to accelerate cleanup efforts after the agency targeted those sites for a lack of progress.

The Environmental Protection Agency named the sites in California, Delaware, and Minnesota April 16 after the agency's regional staff said they needed a push from the administrator, Albert "Kell" Kelly, Pruitt's senior adviser on Superfund issues, told Bloomberg Environment.

Kelly expects that push to come in the form of an expedited cleanup plan decision or quicker negotiations for each of the sites.

Pruitt also removed two sites from the list of those needing immediate action.

The sites EPA added to the list are Delaware Sand and Gravel Landfill in New Castle, Del., Casmalia Resources in Casmalia, Calif., and St. Regis Paper Co. in Cass Lake, Minn.

Kelly said hard and fast criteria aren't necessarily used when adding sites to the administrator's list.

"The criteria has some subjectivity to it, because it has to be sites [where] regions believe attention from the administrator will help them get to whatever milestone," Kelly said.

Cass Lake, Minn.

Pruitt aims to finalize a residential soil cleanup plan for the St. Regis Paper Co. site.

Remediating the Minnesota site "has been a very long and difficult process," Sara Peterson, a lawyer representing Cass Lake, Minn., the city where the property is located, told Bloomberg Environment.

The site contains soils and groundwater possibly contaminated by dioxins, pentachlorophenol, and polycyclic aromatic hydrocarbons, according to an EPA fact sheet on the site.

From the 1950s to the 1980s, Champion Paper Co.—a predecessor company to the site's current owner, Memphis, Tenn.-based International Paper Co.—manufactured treated wood for railroad ties and telephone poles.

Thomas Ryan, a spokesperson for International Paper, told Bloomberg Environment the company is working with the EPA and other parties at the Superfund site.

The city is anxious for the site's environmental cleanup to be completed, Peterson said.

"They need the jobs that would come with the redevelopment of this site, and they've got some potential opportunities out there. But having a Superfund site there at this point makes it awfully hard to market the site," she said.

A March 2016 EPA-proposed plan recommended removing contaminated soil from affected residential areas and replacing it with clean soil, managing removed soil on site, disposing of a small amount of heavily contaminated soil at an off-site facility, and monitoring soil stored on site.

Casmalia, Calif.

The Casmalia Resources site in California was a commercial hazardous waste treatment, storage, and disposal facility spanning more than 250 acres.

The EPA finalized a \$590,722 settlement in November with 57 of the companies that contributed waste to the landfill. Those companies include Nestle, Leidos Inc., Hubbell Inc., and Hearst Corp.

None of those companies responded to Bloomberg Environment's emails or calls about the site's addition to Pruitt's list.

In addition, companies and government agencies involved with the Delaware site did not respond to Bloomberg Environment's requests for comment.

Setting Deadlines

The EPA also provided updates April 16 about each of the other sites on Pruitt's "immediate, intense action" list.

At the Mohawk Tannery site in Nashua, N.H., the agency wants to propose a cleanup plan this summer. The EPA is negotiating an agreement with a prospective purchaser who would redevelop the site.

For two New Jersey sites, American Cyanamid Inc. in Bound Brook and Berry's Creek in Wood Ridge borough, the agency wants to propose cleanup plans by the end of this spring.

The agency also wants to propose a cleanup plan for the Superfund site in East Chicago, Ind. this summer. The EPA is working on cleaning up lead-contaminated soil at parts of the site.

Delisted Sites

Pruitt already has made major cleanup decisions at the two sites removed from the list, the Anaconda Copper Mine in Yerington, Nev., and San Jacinto River Waste Pits outside Houston.

The EPA agreed in February to allow Nevada to oversee the cleanup of the Anaconda site, owned by Atlantic Richfield Co., after the state sought to assume control and work with private parties for a quicker resolution.

The former mine site had been under consideration to be added to the EPA National Priorities List so it could qualify for long-term cleanup and federal funding. The state last year asked the agency to defer the mine listing except for areas on tribal lands.

The San Jacinto River Waste Pits site contains paper mill waste material, including highly toxic dioxins, generated in the bleaching of wood pulp to make paper, the EPA said.

Pruitt announced a \$115 million plan in October for the pits that entails excavating more than 212,000 cubic yards of contaminated waste.

Superfund sites are the most contaminated in the country, and include the Gowanus Canal in New York, Portland Harbor in Oregon, and Tar Creek in Oklahoma. Properties with EPA's Superfund designation are eligible to receive federal funds for cleanup, though the agency aims to compel companies responsible for the sites to pay the cleanup bills.

Las Vegas Review Journal

<https://www.reviewjournal.com/news/politics-and-government/nevada/nevadas-anaconda-mine-removed-from-epa-superfund-list/>

Nevada's Anaconda Mine Removed From EPA Superfund List

By Gary martin, 4/16/18

An agreement reached between Nevada and the Environmental Protection Agency has kept the Anaconda Copper Mine off a Superfund list, with cleanup now being directed by the state and funded by a private company, officials said Monday.

Nevada Gov. Brian Sandoval and EPA Administrator Scott Pruitt signed a National Priorities List Deferral Agreement on Feb. 5 that puts the state in control of expedited cleanup and preparation for reuse of the property.

“Since Governor Sandoval took office and before, the state has worked to develop a long-term plan to clean up the site with a secure source of funding,” said Mary-Sarah Kinner, the governor’s spokeswoman.

Pruitt released a list of potential Superfund sites Monday that no longer includes the Nevada

mine.

The list also excludes the San Jacinto River Waste Pits in Texas. Three sites in California, Delaware and Minnesota were targeted by the EPA for immediate and intense cleanup efforts and put on a list for Superfund inclusion.

“We are making tremendous progress expediting sites through the entire Superfund remediation process,” Pruitt said in a statement.

Pruitt said the updated list “reflects our commitment to addressing Superfund sites as quickly and safely as possible.”

The EPA administrator visited the Nevada and Texas sites as part of his effort to make timely decisions for cleanup of the sites and ensure protection of health and the environment for the surrounding communities.

During the Obama administration, the EPA proposed adding the Anaconda Copper Mine, which opened in 1918, to the Superfund National Priorities List to make it eligible for federal remedial funds.

Last year Atlantic Richfield Co. approached Nevada and proposed to fund implementation of a sitewide remedy for the mine. The company bought the mine in 1978.

Sandoval asked EPA in July to defer placing the copper mine on the Superfund list. Sandoval, the Nevada Division of Environmental Protection, Native American tribes and other stakeholders worked with the EPA to keep the site off the national priorities list.

Pruitt granted the request after the EPA determined cleanup efforts meet federal requirements.

In February, Sandoval called the signing of the agreement with the EPA a “landmark day.” He said the state and Atlantic Richfield would work in partnership on the remaining cleanup, which is expected to take another decade.

The Trump administration has proposed cutting spending at the EPA, and funds for the Superfund program.

With cleanup under administration by the state, and Atlantic Richfield pledging to fund the process, state officials see the decision on a deferred listing as a move to secure funding for cleanup of leaching fields at the old mine where chemicals were used to strip copper from rock.

As a result of this public-private partnership, there was no need for the EPA administrator’s office to continue tracking the mine site, Kinner said. The site will remain proposed for the national priority list until cleanup is completed under Nevada Division of Environmental Protection oversight.

Cleanup actions under the Superfund program have historically been slow, expensive and

process-laden, according to the state agency.

The mine is located in Lyon County near the town of Yerington.

Bloomberg Environment

<https://news.bloombergenvironment.com/environment-and-energy/smaller-bites-in-epa-air-chiefs-second-pass-at-permitting-update>

Smaller Bites in EPA Air Chiefs Second Pass at Permitting Update

By Jennifer Lu, 4/16/18

William Wehrum has unfinished business with the EPA's air pollution permitting program for factories and power plants that want to expand or make major upgrades to their facilities.

In his first stint at the Environmental Protection Agency in an acting capacity, Wehrum tried to address industry criticism over the permitting program, known as new source review, with sweeping rulemaking bundles.

His efforts were either dropped after the George W. Bush administration withdrew his nomination to head the Office of Air and Radiation in 2007, blocked by the courts, or undone by the incoming Obama administration.

"This time around," Wehrum told Bloomberg Environment in an exclusive April 13 interview, "it's important to strike a better balance."

Already, the EPA has issued two industry-coveted tweaks to the permitting program through guidance documents.

The new source review program requires factories and power plants to install costly new air pollution controls when they expand or make modifications that increase their emissions.

Industries have long complained that securing compliance with the permitting program is tedious, time consuming, and confusing. Updating how the EPA administers the program through guidance documents is one way to quickly address those concerns.

"There are a lot of current issues within [new source review] that we can provide clear guidance through guidance," Wehrum said. "Our strategy is to tell people sooner rather than later how we think the program should be implemented."

Did You Get the Memo?

The focus on bite-sized updates to EPA programs comes after Wehrum watched a series of ambitious regulations he helped craft—from toxic air pollution rules from the power industry to attempts to set up an emissions trading program for power plants—get overturned by judges during his last go-round at the agency between 2005-2007.

Back then, Wehrum didn't have the option to quickly update policy through guidance. Only since a 2014 U.S. Supreme Court decision in Perez v. Mortgage Bankers Association have federal agencies like the EPA been allowed to issue guidance such as policy memos without having to go through a lengthy public comment process.

“We have an interest in trying to do some things quickly, and especially in case-specific circumstances where clarity is lacking,” Wehrum said.

However, policy made through guidance memos can be just as easily undone by a new administration, John Walke of the Natural Resources Defense Council, who previously served in the EPA General Counsel's Office, told Bloomberg Environment.

Environmental groups like Walke's and some states have already sued the EPA over one of its guidance documents, which eased toxic pollution emissions standards for industry.

“Industry relies upon Bill Wehrum's guidance at its peril,” Walke said.

Everything Old is New Source Review Again

But updating the permitting program has long been an industry priority. It was repeatedly spotlighted by businesses when the EPA put out a call for regulations that should be revised or eliminated.

After past regulatory efforts to make it industry-friendly fizzled, the fastest way to address business concerns is through guidance, Richard Alonso, environmental attorney at Sidley Austin LLP's Washington, D.C., office, told Bloomberg Environment.

Already, the EPA has issued two memos on two new source review changes. A December memo told agency staff not to “second-guess” how facilities calculate emissions changes.

That was followed by a March memo on project emissions accounting, also known as project netting, which tells facilities how to calculate whether emissions from their proposed new construction projects would increase pollution. Under the new guidance, facilities can include emissions decreases from their projects to the overall calculations to avoid triggering new source review.

The memo drew inspiration from a 2006 rule changing three aspects of emissions counting under new source review, which lost traction after Wehrum left the agency.

“Finalizing this [2006] rulemaking would help to remove a substantial burden to energy and

manufacturing projects,” Louis Renjel, vice president of federal government affairs and strategic policy at Duke Energy, wrote in response to an EPA call for suggestions on reducing regulatory burdens.

The American Chemistry Council also asked the EPA to revisit the reforms proposed during the Bush-era EPA, whether through guidance, regulation, or legislation.

The EPA this summer aims to address project aggregation, another piece of new source review reform from Wehrum’s 2006 rulemaking bundle.

It would define how emissions from separate modifications that take place around the same time should be counted, according to a presentation Anna Marie Wood, director of the EPA’s Air Quality Policy Division, gave at a state air regulators conference April 5.

More Guidance Coming

Three more guidance memos are slated to be issued this spring, according to Wood’s presentation.

One would redefine what counts as “ambient air,” or the air the general public breathes. This definition is important to new source review because facilities must show that their post-construction emissions won’t worsen air quality according to the national standards, Lynn Hutchinson, the EPA new source review project lead in 2002, told Bloomberg Environment.

Another guidance document in the works would change the pollutant modeling used to decide whether emissions would damage air quality. The White House completed its review of the memo April 12.

A third spring guidance document would allow the EPA to revive an attempt to expand the kinds of routine maintenance and repairs excluded from new source review. That 2003 rule was vacated by the U.S. Court of Appeals for the District of Columbia Circuit in New York v. EPA in 2006, which said industries could not write off physical changes that cost below a certain amount as routine maintenance.

“You already have a court on record saying those particular reforms are not allowed, so those might be a heavier lift without notice and comment rulemaking,” Alonso said.

When asked how he will ensure that his current batch of reforms stick beyond the current administration, Wehrum said, “a piece of it is making change that will last, but the bigger piece of it, for me, again, is just from a public policy standpoint.”

“If people can’t look at our rules and know what they need to do to comply, then we’ve got a problem,” he said.

Reuters

<https://www.reuters.com/article/us-usa-trump-russia-cohen/foxs-hannity-revealed-as-mystery-client-of-trumps-personal-lawyer-idUSKBN1HN12G>

Fox's Hannity Revealed as Mystery Client of Trump's Personal Lawyer

By Brendan Pierson, Karen Freifeld, Jonathan Stempel, 4/16/18

U.S. President Donald Trump's personal lawyer was forced on Monday to reveal in a New York federal court that Fox News personality Sean Hannity, one of Trump's most ardent defenders, was also on his client list.

Michael Cohen, Trump's fiercely loyal and pugnacious lawyer, disclosed Hannity's name through one of his own lawyers at the order of the judge. Stormy Daniels, an adult-film actress who says she had a sexual encounter with Trump, watched from the public gallery.

Daniels, in a separate civil case, is fighting a 2016 non-disclosure agreement arranged by Cohen in which she got \$130,000 to stop her from discussing her claim she had sex with Trump a decade earlier, something Trump has denied.

Hannity, 56, said on Monday that he had never paid for Cohen's services or been represented by him, but had sought confidential legal advice from him. The conservative host often uses his weeknight broadcast on Fox News to defend the president against what he sees as biased attacks by the media. Sometimes Trump praises Hannity in return.

Cohen was in court to ask the judge to limit the ability of federal prosecutors to review documents seized from his offices and home last week as part of a criminal investigation, which stems in part from a probe into possible collusion between Trump's presidential campaign and Russia. ([Full Story](#))

The Russia investigation has frustrated the White House as it has spread to enfold some of Trump's closest confidantes.

Judge Kimba Wood spent more than 2-1/2 hours listening to arguments by Cohen's lawyers, prosecutors from the U.S. attorney's office in Manhattan and a lawyer representing Trump in the hearing. She is expected to rule later.

She ordered prosecutors to give Cohen's lawyers a copy of the seized materials before the next hearing.

The unexpected naming of Hannity made him the latest prominent media personality to be drawn into the investigation's cast of unlikely supporting characters.

Daniels, whose real name is Stephanie Clifford, was another. As she arrived at the courthouse dressed in a lavender suit, photographers knocked over barricades as they scrambled to get pictures.

Daniels sat with her lawyer, Michael Avenatti, who told reporters they were there to help ensure protection for the integrity of the seized documents, some of which they believe pertain to the Daniels agreement.

Cohen, dressed in a dark suit, at times looked tense, folding and clasping his hands in front of him.

GASPS AND LAUGHTER

Cohen has argued that some of the documents and data seized from him under a warrant are protected by attorney-client privilege or otherwise unconnected to the investigation. But Judge Wood said she would still need the names of those other clients, and rejected his efforts to mask the identity of Hannity, a client Cohen had said wanted to avoid publicity.

“I understand if he doesn’t want his name out there, but that’s not enough under the law,” Wood said, before ordering the name disclosed.

Stephen Ryan, a lawyer for Cohen, drew gasps and laughter from the public gallery when he named Hannity as the client.

After his identity was revealed, Hannity said on his syndicated radio show, and again later on his Fox News program, that he had “occasional, brief discussions” with Cohen in which he sought out Cohen’s “input and perspective.”

Hannity said he assumed those discussions were covered by attorney-client privilege, and insisted that none involved any matter between himself and a third party. He also said his talks with Cohen “almost exclusively focused on real estate.”

Legal advice can be considered privileged even if given by a lawyer for free.

Hannity, the top-rated personality on the most watched U.S. cable news network, told his viewers on April 9 that the raid on Cohen was part an effort by federal investigators to wrongly impeach the president. He never mentioned his association with Cohen during that broadcast.

On Monday’s show, Hannity expressed amusement at the firestorm of media coverage unleashed by the disclosure that he and Trump shared a legal adviser in Cohen, playing a 45-second, rapid-fire montage of various TV commentators and anchors uttering his name on the air throughout the day.

Cohen has asked the court to give his own lawyers the first look at the seized materials so they can identify documents that are protected by attorney-client privilege. ([Full Story](#))

Failing that, they want the court to appoint an independent official known as a special master, a role typically filled by a lawyer, to go through the records and decide what prosecutors can see.

But prosecutors want the documents to be reviewed for attorney-client privilege by a “taint team” of lawyers within their own office, who would be walled off from the main prosecution team.

“I have faith in the Southern District U.S. Attorney’s Office that their integrity is unimpeachable,” making a taint team “a viable option,” Judge Wood said.

But she also said that to help ensure fairness and the perception of fairness, “a special master might have some role here.”

After the hearing, Cohen left without comment.

Daniels, in contrast, stepped up to the bank of microphones set up on the sidewalk, telling reporters that Cohen had thought he was above the law.

“My attorney and I are committed that everyone finds out the truth and the facts of what happened, and I will not rest until that happens,” she said.

Washington Free Beacon

<http://freebeacon.com/national-security/ex-cia-chief-says-obama-rejected-cyber-action-russia-election-meddling/>

Ex-CIA Chief Says Obama Rejected Cyber Action Against Russia for Election Meddling

By Bill Gertz, 4/17/18

Despite an unprecedented Russian intelligence operation to influence the 2016 presidential election, former President Barack Obama rejected a plan to conduct retaliatory cyber action against Moscow during the campaign, according to former CIA Director John Brennan.

Brennan disclosed Saturday that Obama opposed a plan to carry out "a cyber event" against the Russians because the former president feared the action would lead to more aggressive interference by Moscow.

"There was consideration about rattling their cages with some type of cyber event," Brennan said during remarks to a journalism conference at the University of California Berkeley.

But based on Obama's fears, the planned cyber action was shelved in favor issuing vague

warnings to Russian officials. Brennan did not elaborate on the cyber retaliation plan.

"President Obama was the ultimate decision-maker on that," Brennan said of the lack of response.

The former CIA director defended the Obama administration's handling of what is widely viewed as a significant counterintelligence failure during the presidential election.

After the election, Obama ordered the expulsion of 35 Russian intelligence officers.

Both the FBI and CIA are charged with the conducting counterintelligence—detecting and thwarting hostile intelligence operations. Both agencies failed to halt the Russians in 2016 either in the United States or abroad.

U.S. officials have said the targeting of U.S. and foreign elections by Russia is continuing.

President Trump in February criticized his predecessor in a Tweet for failing to act. "Why didn't Obama do something about the meddling? Why aren't Dem crimes under investigation? Ask Jeff Sessions!" he tweeted.

The disclosure that Obama scrapped a cyber plan to retaliate against Moscow for election interference comes as a former senior counterintelligence official, Michelle Van Cleave, revealed in congressional testimony last week that the Obama administration weakened American counterintelligence programs by downgrading a top counterspy office.

Brennan said he had "great confidence" the Russian influence operation was authorized and directed by Russian President Vladimir Putin, a former KGB intelligence officer. The Russian intelligence services also "know what the mission is, know what their capabilities are, and will apply them to issues that are of interest to Russian national security," he said.

Brennan called the meddling "unprecedented in terms of its scope and intensity, and made full use of the digital domain."

The first indications of Russian interference were spotted in late 2015 and early 2016 and the operation was mentioned in press reports in the spring of 2016. By the summer of 2016 the operations were confirmed, he said.

Obama also made clear to the CIA that he did not want the agency doing anything "in reality or in perception" that would have advanced the Russian disinformation and propaganda campaign, Brennan said.

"We were really trying to strike the right balance between doing everything we could to prevent and thwart as well as to uncover and understand what the Russians were doing without doing anything that would almost advance their interests in trying to disrupt our election," he said.

Obama also was afraid any U.S. action against the Russians might be perceived as an outgoing

Democratic president working to influence the election outcome.

"So if we did more things and stood at the hilltops and cried out, 'the Russians, the Russians are trying to help Trump get elected,' and if President Obama who is the titular head of the Democratic Party were to do that, I think that there would have been a lot of people would believe, I think with some justification, that the President of the United States was trying to influence the outcome of a presidential election," Brennan said.

Brennan also said the Obama administration opposed aggressive action because of the president's belief that any effort to punish the Russian might produce stepped up activities.

Russian hackers had been detected navigating inside state election voter registration roll computers and other election-related networks.

"They had things that they could have done that they didn't do," Brennan said of the Russians.

Intelligence agencies concluded in a report issued in early 2017 that Russian civilian and military intelligence agencies conducted an aggressive operation to sow social discord during the 2016 election by opposing Hillary Clinton while seeking to boost Donald Trump's campaign.

The Russian operation included the use of advertising on social media platforms like Facebook, and cyber attacks involving the cyber theft of emails and postings online using covert internet personas.

In February, 13 Russians were indicted by Special Counsel Robert Mueller for running a St. Petersburg, Russia-based internet troll farm that carried out influence operations during the elections.

So far, no action has been taken against the Russian hackers engaged in email thefts.

Kenneth deGraffenreid, former deputy national counterintelligence executive, said Obama's inaction was a major counterintelligence failure.

"If Brennan's claims are true, the Obama administration's inaction in the face of this Russian cyber aggression represents a serious counterintelligence failure that has had terrible consequences," deGraffenreid said.

"Good counterintelligence requires an active element beyond collecting and analyzing the secret information that has been uncovered—namely countering this serious foreign intelligence threat in an effective way. The U.S. has the sophisticated tools to do this."

"There simply is no excuse for not doing so," he added. "Our national security depends on American leaders taking the action required."

Despite signs the operation had been underway since 2015, Brennan said he was the first U.S. official to protest the matter during an Aug. 4, 2016, telephone to Alexander Bortnikov, head of

Russia's FSB security service.

"I told him rather directly that if the Russians were to go down this road, they would pay a significant price," Brennan said. "I told him that all Americans would be outraged by a Russian effort to try and interfere in our election."

A month later at the G-20 summit in China, Obama confronted Putin about the election interference, according to Brennan.

Weeks later, Director of National Intelligence James Clapper and Homeland Security Secretary Jeh Johnson issued an official statement accusing the Russian government of interfering with the election campaign.

Brennan said he believes the softline Obama policy dissuaded Moscow from intensifying the campaign and that he had no regrets.

Additionally, the former CIA chief said he has spoken to Obama who he asserted is "very comfortable with what we did and didn't do."

"I would argue that I think by pushing them back a bit and confronting them with it, both privately as well as publicly, I think we did dissuade them from even going further," he said.

Brennan also said the CIA was told by Obama not to take any action on the Russian intelligence operation over concerns any action would appear the administration was trying to support the Democratic candidate, Hillary Clinton.

Since leaving office, Brennan has been a Trump critic, taking to Twitter to call the president a "charlatan," "demagogue," and "snake oil salesman."

Brennan said that criticism has cost him financially as "a number of opportunities were rescinded."

Russian cyber intelligence operations are sophisticated and difficult to track, he said.

"And so I fully anticipate that the Russians and others are going to take advantages that are there," Brennan said. "They are going to try to hide their footprints better. They're going to try to prevent the U.S. from understanding what may be happening there. But let's not make a mistake, that environment is ripe for mal actors and they are going to continue to cause us problems."

On the controversial dossier produced by former British intelligence officer Christopher Steele, Brennan said the dossier may have been part of a Russian cover operation.

"Well certainly it could be," he said. "I don't know the provenance of the information. As I said I've seen the dossier. It is done by a former accomplished member of the British intelligence service, MI-6. It is sourced to unnamed sources and subsources that alleged these types of activities. So I don't know whether the information in it—some, all or none—is valid or not."

Brennan said he does not believe Steele was manipulated by the Russians for intelligence purposes.

"I do not believe he is acting on behalf of them," he said. "Might he have been unwittingly used? Maybe. So I don't know."

The Steele dossier was funded by the Democratic National Committee and the Clinton campaign through the research group Fusion GPS.

The Washington Free Beacon hired Fusion GPS to conduct research on Republican candidates but had no role in the dossier.

On his political views, Brennan said he is not a member of any political party and described himself as "an avowed nonpartisan."

In 2016, Brennan disclosed that in 1976 he voted for the Moscow-backed Communist Party USA candidate for president, Gus Hall, during the height of the Cold War.

Politico

<https://www.politico.com/story/2018/04/17/james-comey-trump-jailing-527942>

Comey on Trump Calling for Him to Be Jailed: 'This Is Not OK'

By Louis Nelson, 4/17/18

Former FBI Director James Comey denounced Donald Trump's presidency as a threat to bedrock American values, warning that the president's calls for Comey to be jailed could erode the rule of law.

The former FBI director, whom Trump fired last spring, has been a frequent target of Trump's criticism, especially in recent days amid the start of a publicity tour for Comey's book, which was released Tuesday. Comey has been deeply critical of the president, characterizing him as morally unfit to occupy his office, while Trump has labeled the former FBI director as a liar and leaker, suggesting he be sent to jail.

"President Trump, I don't follow him on Twitter but I get to see his tweets tweeted, I don't know how many, but some tweets this past couple of days that I should be in jail. The president of the United States just said that a private citizen should be jailed. And I think the reaction of most of us was, 'meh, that's another one of those things.' This is not normal. This is not OK," Comey told NPR in an interview broadcast Tuesday morning. "The reason I'm talking in terms of

morality is, those are the things that matter most to this country. And there's a great danger we'll be numbed into forgetting that, and then only a fool would be consoled by some policy victory.”

While Comey’s criticism of the president, both in interviews and in his book, has been withering, so too has the White House’s response. Trump administration officials have painted Comey as a disgruntled ex-employee looking to settle scores and an admitted leaker whose Congressional testimony had to be corrected almost immediately. Trump’s press secretary Sarah Huckabee Sanders said last week that “one of the president's greatest achievements will go down as firing director James Comey” and Trump himself wrote on Twitter over the weekend that Comey “will go down as the WORST FBI Director in history, by far!”

“This is not some tin pot dictatorship where the leader of the country gets to say ‘the people I don't like go to jail.’ Our Lady Justice wears a blindfold. And the reason all those statues all over the country have a blindfold is, that's the way it has to be,” Comey told NPR. “Lady Justice can't be peeking under the blindfold to see if Donald Trump wants her to convict so-and-so and not convict so-and-so. If we lose that, we've lost the rule of law, and so there's great danger in the president of the United States saying ‘you should be in jail.’”

Asked about the potential that he might one day run for office, Comey was emphatic that he had no such plans. Instead, he said he plans to teach at the university level and give speeches on ethics and leadership.

"Never. I will never run for office. Not even a close call," he said. "I'm going to teach about leadership and ethics, and so I'm going to be a professor, which is exciting, and speak about leadership... I'm going to use my book in the class and I'm going to buy it for the students, because I'm not going to be one of those professors."

TRUMP TWEETS



Donald J. Trump ● @realDonaldTrump · 5m

So many people are seeing the benefits of the Tax Cut Bill. Everyone is talking, really nice to see!

1.1K 968 4.3K



Donald J. Trump ● @realDonaldTrump · 5m

Looks like Jerry Brown and California are not looking for safety and security along their very porous Border. He cannot come to terms for the National Guard to patrol and protect the Border. The high crime rate will only get higher. Much wanted Wall in San Diego already started!

597 1.0K 3.8K



Donald J. Trump ● @realDonaldTrump · 5m

I am in Florida and looking forward to my meeting with Prime Minister Abe of Japan. Working on Trade and Military Security.

498 959 3.8K



Donald J. Trump ● @realDonaldTrump · 5m

Employment is up, Taxes are DOWN. Enjoy!

625 1.2K 4.6K